

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID F. KALETA,	:	CIVIL NO. 4:12-CV-1987
	:	
Plaintiff,	:	(Judge Jones)
v.	:	
	:	(Magistrate Judge Carlson)
VINNI CLAUSI, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

This is a civil rights action which was removed to federal court on October 3, 2013. (Doc. 1.) The plaintiff has filed a motion for protective order seeking an order of court directing the defendants to retain relevant recordings of public meetings which may relate to the matters that are the subject of this litigation. (Doc. 28.) The plaintiff did not file a brief in support of this motions, as required by the Local Rules of court. Accordingly on April 4, 2013, we instructed the plaintiff to comply with the requirements Local Rule 7.5 by filing a brief in support of this motion on or before April 18, 2013.

The plaintiff has not complied with this order and the time for compliance has passed. This failure to abide by a court order and file a brief has consequences for this party since we are entitled to deem the plaintiff to have withdrawn a motion when he fails to properly support that motion by filing a brief in a timely fashion. See, e.g., Salkeld v. Tennis, 248 F. App'x 341 (3d Cir.2007) (affirming dismissal of motion

under Local Rule 7.5); Booze v. Wetzel, 1:12-CV-1307, 2012 WL 6137561 (M.D. Pa. Nov. 16, 2012) report and recommendation adopted, 1:CV-12-1307, 2012 WL 6138315 (M.D. Pa. Dec. 11, 2012); Breslin v. Dickinson Twp., 1:09-CV-1396, 2011 WL 1577840 (M.D.Pa. Apr.26, 2011) Prinkey v. Tennis, No. 09-52, 2010 WL 4683757 (M.D.Pa. Nov.10, 2010) (dismissal under Local Rule 7.5); Griffin v. Lackawanna County Prison Board, No. 07-1683, 2008 WL 4533685 (M.D.Pa.Oct.6, 2008) (dismissal under Local Rule 7.6).

Since this motion was not accompanied by a brief, as required by the Local Rules, and the plaintiff has not abided by the court order directing the filing of a brief, the motion for protective order, (Doc. 28.) is DEEMED WITHDRAWN and DISMISSED.¹

So ordered this 2d day of May 2013.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge

¹All parties are reminded, however, of their affirmative obligation to preserve discoverable evidence. Surowiec v. Capital Title Agency, Inc., 790 F. Supp. 2d 997, 1006 (D. Ariz. 2011)